

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BROCK LINDSAY and ERICA LINDSAY, husband
and wife,

Plaintiffs,

v.

ZURICH AMERICAN INSURANCE COMPANY, a
foreign corporation,

Defendant.

CASE NO. 2:17-cv-00852-MJP

STIPULATED MOTION AND
[REDACTED] ORDER TO
EXTEND DEADLINE TO
DISCLOSE EXPERT TESTIMONY
AND DISCOVERY CUT-OFF
DATE

NOTED: October 6, 2017

STIPULATED MOTION

Defendant Zurich American Insurance Company ("ZAIC") and plaintiffs Brock Lindsay and Erica Lindsay, by and through their counsel, below signed, hereby jointly move the Court pursuant to LCR 7(d)(1) and LCR 10(g) for an order extending the deadline for the parties to disclose their expert witness testimony approximately sixty (60) days, from October 18, 2017 to December 18, 2017, and the discovery cut-off date from December 18, 2017 to January 9, 2018.

FACTS and ARGUMENT

The Court entered an Order Setting Trial Date and Related Dates on June 26, 2017 (the "Order"). See ECF No. 8. The Order requires the parties to disclose expert testimony under FRCP 26(a)(2) by October 18, 2017; discovery to be completed by December 18, 2017;

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#1134506 v1 / 10007-559

KARR TUTTLE CAMPBELL
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1 dispositive motions to be filed by January 16, 2018; and a non-jury trial to occur on April 16,
2 2018.

3 Good cause exists for extension of the deadline for disclosing expert opinions for
4 approximately 60 days, from October 18, 2017 to December 18, 2017; and the discovery cut-off
5 from December 18, 2017 to January 9, 2018. Additional time is needed to obtain all of the
6 plaintiff's medical records for injuries he alleges were sustained in an automobile accident that
7 occurred on March 25, 2014. Complaint at ¶¶ 2.4-2.6; and 5.1-5.3. ECF No. 1, Attachment #1.
8 Beginning in July 2017, medical stipulations were requested by defendant and provided by the
9 plaintiff, for approximately 10 medical providers. Defendant began requesting such records
10 immediately after the medical stipulations were received, and many records have been received,
11 but some records are still outstanding. After the records are received, defendants' medical
12 experts need time to review the records and formulate their expert opinions.

13 In the meantime, the parties have propounded written discovery and answered written
14 discovery. The parties have engaged in settlement negotiations which are ongoing, and which if
15 successful, would eliminate the need for experts, saving for both parties the expense of experts
16 and expert discovery. In view of the foregoing, an extension of 60 days of the deadline for
17 disclosing expert opinions, and a subsequent adjustment of the discovery cut-off date from
18 December 18, 2017 to January 9, 2018, would promote efficiency, judicial economy and expense
19 in the interest of the parties and the Court.
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STIPULATION

The parties hereby stipulate to the requested extension of the deadline for disclosing expert opinions by approximately 60 days, from October 18, 2017 to December 18, 2017; and the discovery cut-off date from December 18, 2017 to January 9, 2018.

SO STIPULATED.

DATED: October 6, 2017.

KARR TUTTLE CAMPBELL	TAMAKI LAW OFFICES
By <u>s/ Barbara J. Brady</u> Barbara J. Brady, WSBA #20459 Jacquelyn A. Beatty, WSBA #17567 Attorneys for Zurich American Insurance Company	By <u>s/Bryan G. Smith, per email authorization</u> Bryan G. Smith, WSBA #29382 Attorneys for Plaintiffs

ORDER

Pursuant to the Stipulation of plaintiffs and defendant, the deadline for the parties to disclose expert opinions is extended for approximately 60 days, from October 18, 2017 to December 18, 2017; and the discovery cut-off from December 18, 2017 to January 9, 2018.

IT IS SO ORDERED.

DATED this 17th day of October, 2017.



Hon. Marsha J. Pechman
United States District Court Judge

1 Presented by:

2
3 KARR TUTTLE CAMPBELL

4
5 s/Barbara J. Brady

6 Barbara J. Brady, WSBA #20459

7 Jacquelyn A. Beatty, WSBA #17567

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STIPULATED MOTION AND [REDACTED] ORDER TO
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CERTIFICATE OF SERVICE

I, Daena Temkova, affirm and state that I am employed by Karr Tuttle Campbell in King County, in the State of Washington. I am over the age of 18 and not a party to the within action. My business address is: 701 Fifth Ave., Suite 3300, Seattle, WA 98104. On this day, I caused the foregoing document to be served on the parties listed below in the manner indicated.

Bryan G. Smith
Tamaki Law Offices
1340 N. 16th Ave., Ste. C
Yakima, WA 98902
Attorneys for Plaintiffs

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Via U.S. Mail
Via Hand Delivery
Via Electronic Mail
Via Overnight Mail
CM/ECF via court's website

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, to the best of my knowledge.

Executed on this 6th day of October, 2017, at Seattle, Washington.

s/ Daena Temkova

Daena Temkova
Assistant to Barbara J. Brady and
Jacquelyn A. Beatty